Second Report of the Committee on Petitions

Presentation.

Mr. DEPUTY SPEAKER.—I present the Second Report of the Committee on Petitions.

Mysore Rent Control (Amendment) Bill, 1968
(as passed by the Legislative Council)

Motion to Consider.

Sri H. V. KOUJALGI.—Sir, I move :

" That the Mysore Rent Control (Amendment) Bill, 1968, as passed by the Legislative Council, be taken into consideration."

Mr. DEPUTY SPEAKER.—Motion moved :

" That the Mysore Rent Control (Amendment) Bill, 1968, as passed by the Legislative Council, be taken into consideration. " Sri M. S. Krishnan has tabled some amendments.

Sri M. S. KRISHNAN.—Sir, I have moved amendments to clauses 5 and 8. I think it is better that I take up the amendments along with general observations.

Sir, as far as the objects of the Bill are concerned, one cannot have much objection, in regard to one or two aspects which have been stated here. One is to substitute the words ' premises ' for the word ' buildings ' because that was leading to certain difficulties. On that I have nothing to say. We have to accept that.

The other one which is also brought forward as an amendment is to exempt certain premises belonging to Muzrai institutions, religious and charitable institutions, taluk board, town panchayats, village panchayats, municipal councils, etc., and it wants to include co-operative marketing societies. If there is any further additions by way of amendments which have been brought to clause 2, I have no objection. It has also got to be covered. But the most important aspect of this is to include proviso 2 to clause 5. It seeks to insert a new clause section 10 A for eviction by Controller. In clause 4 (1) it provides how the Controller has to intimate. He has got to give intimation of 15 days. I need not go into that. The manner in which notice has to be given has been given in section 10A clause (2).

It says :

" If the person to whom a notice was issued under sub-section (1) fails to appear before the Controller, or having appeared fails to satisfy the Controller that he is entitled to remain in

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occupation of the building, the Controller may without prejudice to any other action which may be taken against him under this Act or under any other law for the time being in force, direct by order in writing to vacate the building within such period as may be specified in the order and deliver possession thereof to the Controller."

In this point, I have objection because of two reasons. One is a very important aspect which has to be considered. It says :

".....fails to satisfy the Controller that he is entitled to remain in occupation of the building....."

How to satisfy him ? Supposing there is a person who is already occupying the building. As you know in these cases, mostly in Cities, there will be cases where a landlord would not have given notice to the Controller in regard to a particular building itself. So, there may be a case where a tenant has been living by way of adjustment with the landlord for a long time and the landlord in order to see that he gets more rent, may declare it as vacant and send a notice to the Controller without even intimating the tenant himself. Under these circumstances, the tenant will be put in difficulties. What is envisaged here is, he must prove that he is entitled to remain in occupation of the building. How is he to prove this ? He has to prove under the Act, that he is entitled to remain. That means he has to go through all the various processes, namely, that 15 days notice is to be given.

More than that, in the case of a tenant who is already living in the premises, would be put to great difficulty if the landlord has declared it as vacant. Under the circumstances how can he prove that he is entitled to remain in occupation of the building ? It would be very difficult. Instead of that, I suggest, that discretion must be given to the House Rent Controller in cases where he feels satisfied that the tenant has been in occupation of the building even though notice was not given, or he has been in occupation by virtue of a contract between the landlord and the tenant or if he is satisfied that there is some documentary proof like the receipt for rent, etc., by virtue of which it can be established that he is already in possession of the premises. My submission is that if it is worded in the manner in which it is stated here, that he is entitled to remain in occupation of the building, then it would not be possible for him to prove. To prove under the Act, it would be very difficult. That is why, I would submit that this should be modified in such a manner as to give discretion to the Controller. Therefore, I have suggested that a proviso to it may be added to the following effect :

" provided the Controller may in his discretion in appropriate cases permit occupation by the tenant notwithstanding any violation of section 4 of the Act."

Even if there is violation of section 4 of the Act, because it envisages only fifteen days notice must be given. Even if this is violated, if the discretion is given to the Controller, naturally this penalty need not be put here. This is my humble submission. It will work as a great hardship to the tenants if this is brought into force in this manner.

My second submission is : there is also wide powers sought to be given to the Controller. Of course it is stated in the Statement of Objects and Reasons that the Controller must have power to evict as well as to prosecute the parties for contravention of any of the provisions. This section 51A gives power to prosecute ; it says :

> " The Controller or any other officer authorised by the State Government in this behalf, may prosecute any person for contravention of any of the provisions of this Act or any rule made thereunder. "

I submit that this provision is conferring wide power on the Controller and it is too much that is sought to be given. I can understand the State Government having such power. The general concept in law is that the number of statutes which provide for penal provisions as far as possible should be reduced and the number of provisions which are summary, must be more and more introduced in the statute. But now, Sir, the conception of law seems to be taking a slightly different turn namely, that the Government seeks to give the powers of prosecution to the Controller himself. If such power is given, I would submit that it works to the greatest detriment of the tenant. In the House Rent Control Act, there is already power to evict. In addition if he is given the power to prosecute, and if it is summary power, then I must say that it is not at all in consonance with the concept of law and you should not give punitive powers to officers. Otherwise, it will work to the detriment of the tenant and the landlord.

3-30 P. M.

The relationship of tenant and landlord is not like any other relationship, particularly it is not like relationship between a worker and an employer in a factory. It is something much more because every day he will be seeing him. There will be so many transactions carried on between them. Under the circumstances I would submit that this would not be proper when you have already power and there is no necessity for taking additional power. As we all know when a person is sought to be evicted, in society even in the normal circumstances, a lot of trouble has to be faced by tenants and in addition to that if prosecution also is there, it would be additional trouble. Therefore I say that such power of prosecution need not be given to the Controller. My submission is, it can be given to the State Government. For suggesting like this, there is a parallel to this. For example under the so many industrial Acts when relationship between workers and employers are strained, when certain enactments are not implemented,

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the powers are not given to the officers to prosecute. On the other hand the Government uses its discretion and see whether the concerned person is to be prosecuted or not. On the same lines, you can at best give power to the State Government but even that is not necessary because it is already provided in the Act.

This is my humble suggestion with regard to this Bill.

† SRI L. SRIKANTIAH.—I have heard my hon'ble friend Sri M. S. Krishnan but I must humbly submit that I differ from him. The object of introducing section 10A is to prevent persons from occupying houses where landlord has not intimated the Controller in time as per section 4. If the amendment as sought by learned Sri Krishnan is accepted, the very object referred to in the amending Bill, will be defeated. More so the proviso which he wants to be included in the amending section. If this proviso is permitted, what will happen is the landlords and tenants will enter into some relationship and tenants will be inducted into the house and put in possession and later on the plea taken by the tenant would be, it is not his fault but that of landlord. He must intimate and for the fault of his, the tenant should not be victimised. The very object of this Act is, in respect of all vacancies the landlord should immediately intimate the Commissioner or the Controller, so that the Commissioner or Controller may know which are the houses that are likely to fall vacant so that as per the Act he may make allotments to the needy persons. If that catch is removed, what will happen? Landlord in order to overcome the provision contained in section 4, will enter into private agreement with tenants and induct the tenant to the house and later on a plea will be set up that it was the duty of the landlord and so the tenant should not be penalised. Therefore, I wholeheartedly welcome what is contained in sub-clause (2) of clause 10 (A). The burden is thrown on the tenant to show by what capacity or right he is permitted to live in that house. Therefore, I cannot say that the amendment sought will help. It will defeat the very thing we want to prevent by introducing new section 10A—eviction of unauthorised persons who have contravened section 4.

Lastly Sri Krishnan has brought another amendment to clause (a). He wants to delete the provision for prosecution. Of late what is happenning is in case of contravention when a new entrant is to be removed, it is also necessary to prosecute people who fail to intimate the Controller in time. If the landlord comes to know that not only an order will be passed against him but also if he fails to intimate, penal provisions are there, it will certainly be good. It is absolutely necessary to deter people from violating law.

He has brought another amendment. This amendment is absolutely necessary. In fact I am combining my comments both in respect of the amendment and participate in the general debate. In the amendment

brought in sub-section 2, he wants a new clause to be added. I welcome this. In addition I suggest that exemption should also apply to premises in occupation of the university and also educational institutions recognised by the State. The object of amending sub-section 2 is to exempt the operation of the Rent Control Act to premises which belong to Taluk Development Board, Town Panchayat, Village Panchayat Municipal Council etc,; muzrai institution or a religious or charitable trust under the management of the State Government etc. Section 2 of the Act reads :

"Nothing in this Act shall apply—

(a) to any building belonging to the State Government or the Central Government" etc.

To this section, amendments are brought. I would suggest that if the Government is anxious to exempt the premises belonging to the Taluk Board, Muzrai institutions, what sin these educational institutions have done ? There are some educational institutions to our knowledge wherein they have enough space to let out. I think it is in the interest of these institutions to let out the surplus space. Take for example the premises of Bangalore University. Instead of allowing land to waste supposing they let out on temporary basis. Supposing temporary tenant who may be occupying says he cannot be evicted unless they take recourse to law, that would cause much hardship to the university. In my humble opinion it is better to give exemption to educational institutions and universities also. This is all what I wanted to say.

† ಶ್ರೀ ಎಂ. ನಾಗಪ್ಪ.—ಈ ರೆಂಟ್ ಕಂಟ್ರೋಲ್ ತಿದ್ದುಪಡಿ ಮಸೂದೆಯಲ್ಲಿ ಕೆಲವುಕ್ಲಾಜುಗಳನ್ನು ಮಾತ್ರ ವಿರೋಧಿಸುತ್ತೇನೆ. 5ನೆಯ ಕ್ಲಾಜಿನಲ್ಲಿ 10 (ಎ) ಎಂಬ ಹೊಸ ಸೆಕ್‌ಷನ್ ಸೇರಿಸಿ ಕಂಟ್ರೋಲರವರಿಗೆ ಎವಿಕ್‌ಷನ್‌ಗೆ ಅಧಿಕಾರ ಕೊಡರಾಗಿದೆ. ಇದು ಸಾಮಾನ್ಯವಾಗಿ ಅನಾವಶ್ಯಕವೆಂದು ನಾನು ಭಾವಿಸುತ್ತೇನೆ. ಏಕೆಂದರೆ ಕ್ಲಾಜ್ 8ರಲ್ಲಿ ಹೊಸ ಸೆಕ್‌ಷನ್ 51 (ಎ) ಸೇರಿಸುವ ವಿಚಾರ ತಿಳಿಸರಾಗಿದೆ. ಅದರಲ್ಲಿ ಪ್ರಾಸಿಕ್ಯೂಟ್ ಮಾಡುವ ಅಧಿಕಾರ ಸರಕಾರ ವಹಿಸಿಕೊಳ್ಳಬೇಕೆಂಬ ದೃಷ್ಟಿಯಿಂದ ಅಂಥ ಒಂದು ಕ್ಲಾಜನ್ನು ಆಕ್ಟಿನಲ್ಲಿ ಸೇರಿಸಬೇಕು ಎಂದು ಸೆಕ್‌ಷನ್ 10 (ಎ) ಈ ಬಿಲ್ಲಿನಲ್ಲಿ ತರರಾಗಿದೆ. ಈಗ ಈ ತಿದ್ದುಪಡಿ ಮಸೂದೆಯನ್ನು ನೋಡಿದರೆ ಸರಿಯಾದ ಮಾಹಿತಿ ದೊರೆಯುವುದಿಲ್ಲ. ಇದಕ್ಕೆ ಒರಿಜಿನಲ್ ಆಕ್ಟ್ ನೋಡಬೇಕು. ಅದರಲ್ಲಿ 5 ಮತ್ತು 6ನೆಯ ಸೆಕ್‌ಷನ್ನುಗಳನ್ನು ನೋಡಬೇಕು. ಈಗ 5–6ನೇ ಸೆಕ್‌ಷನ್ನುಗಳನ್ನು ಕಾಂಟ್ರಾವೀನ್ ಮಾಡಿರುವಾಗ ಸೆಕ್ಷನ್ 10ರಂತೆ ಯಾವ ದೃಷ್ಟಿಯಿಂದ ಸ್ವಾಧೀನಮಾಡಿಕೊಳ್ಳಬಹುದು ? ಈ ವಿಷಯವನ್ನು ಆಕ್ಟಿನಲ್ಲಿ ತೋರಿಸಿಲ್ಲ. ಸೆಕ್‌ಷನ್ 10 ಸಬ್‌ಸೆಕ್‌ಷನ್ 2 ಮತ್ತು 3 ಎರಡೂ ಓದಿದರೆ ಸದಸ್ಯರಿಗೆ ಗೊತ್ತಾಗುವುದು ಸೆಕ್‌ಷನ್ 10 ತರುವುದು ಸೂಪರ್‌ಫ್ಲೂಯಸ್ ಎಂದು.

"10. (2). If the landlord fails to deliver possession under sub-section (1), the Controller or any officer authorised by him may take possession of the building breaking open locks, if any, and using such force with such police assistance as may be required for evicting any person in occupation or control of such building who refuses to deliver and for removing any obstruction or resistence in the taking such possession."

ಸಬ್‌ಸೆಕ್ಷನ್ 1 ನೋಡಿದರೆ ಇಲ್ಲಿರುವುದು ಕ್ಲಾಸ್ 5 ಮತ್ತು 6 ರಲ್ಲಿ ಕೊಟ್ಟ ನೋಟೀಸ್ ಅಂತ ಮಾತ್ರ ಆಗುತ್ತದೆ. ಕ್ಲಾಸ್ 10 ನೋಡಿದರೆ ಈಗ ತಂದಿರುವುದು ಯಾರು ಸೆಕ್ಷನ್ 4 ರಲ್ಲಿ

(ಶ್ರೀ ಎಂ. ನಾಗಪ್ಪ)

ಕೊಟ್ಟಂಥ ನೋಟೀಸನ್ನು ಕಾಂಟ್ರವೆನ್‌ಷನ್ ಮಾಡುತ್ತಾರೆ ಅವರನ್ನೂ ಸಹಿತ ತೆಗೆದುಹಾಕಲಿಕ್ಕೆ ಒಂದು ಅಧಿಕಾರ ಇದರಲ್ಲಿ ಇದೆ. ಅದನ್ನು ಈ ಶಬ್ದಗಳಲ್ಲಿ ತಂದಿದ್ದೀರಿ. ಸೆಕ್ಷನ್ 10 (ಎ) ನಲ್ಲಿ ಹೀಗೆ ಹೇಳಿದೆ:

"New Section 10A (3) (a).—Upon service of an order under sub-section (2), the person against whom an order is made and every person claiming under him shall vacate the building and deliver possession thereof to the Controller. If the building is not vacated and its possession delivered to the Controller within the period specified in the order, the Controller may summarily dispossess the persons in occupation and take possession of the building and thereupon provisions of sections 4, 5, 8, 9, 10 shall apply to the building as if intimation of vacancy of the building was given to the Controller on the date on whibh he took possession of it."

ಮೂಲ ಪ್ರೊವಿಜನ್ 10 (ಎ) ಈ ಪ್ರಕಾರ ಇದೆ:

"Where in accordance with the provisions of section 4, the vacancy of any building is required to be intimated to the Controller and is not so intimated..."

ಎಂದರೆ ಕಾಂಟ್ರವೆನ್‌ಷನ್ ಆಫ್ ಸೆಕ್ಷನ್ 4 ಪೇರೆಂಟ್ ಆಕ್ಟ್‌ನಲ್ಲಿ ಇಲ್ಲವೇ ಇರುವ ಕಾರಣ ಕಾಂಟ್ರವೆನ್‌ಷನ್ ಎಂಬುದನ್ನು ಮಾತ್ರ ತರಲಿಕ್ಕಾಗಿ 10 (ಎ) ಅಂತ ಹಾಕಿ ಮುಂದೆ ಹೆಚ್ಚಿನ ಅಧಿಕಾರ 2 (ಎ) ದಲ್ಲಿ ಪಡೆಯುತ್ತಾ ಇದ್ದೀರಿ. ಅದಕ್ಕೆ ಬದಲಾಗಿ ಒರಿಜಿನಲ್ ಆಕ್ಟ್ ಸೆಕ್ಷನ್ 10 ರಲ್ಲಿ 5 ಮತ್ತು 6 ಅಂತ ಹಾಕಿಕೊಂಡಿದ್ದರೆ ಸೆಕ್ಷನ್ 4 ಅಂತ ಇಷ್ಟೆರ್ಲಾ ಅಮೆಂಡ್‌ಮೆಂಟ್ ಈ ಸಭೆಯ ಮುಂದೆ ತರಲಿಕ್ಕೆ ಅವಶ್ಯಕತೆಯೇ ಇರಲಿಲ್ಲ. ಏಕೆಂದರೆ ಅವರಿಗೆ ಬೇಕಾಗಿರತಕ್ಕದ್ದು, ಅವರ ಉದ್ದೇಶವೇ ಬೇರೆ. ಆ ಉದ್ದೇಶ ಸಬ್ ಸೆಕ್ಷನ್ 2, 10 : (ಎ)ದಲ್ಲಿ

"If the person to whom a notice was issued under sub-section (1) fails to appear before the Controller, or having appeared, fails to satisfy the Controller that he is entitled to remain in occupation of the building, the Controller may without prejudice to any other action which may be taken against him under this Act or under any other law for the time being in force, direct him by order in writing to vacate the building within such period as may be specified in the order and deliver possession thereof to the Controller."

ಈ ರೀತಿ ಇದೆ. 10 (ಎ) 1 ರಲ್ಲಿ ಈ ರೀತಿ ಇದೆ:

"Where in accordance with the provisions of section 4, the vacancy of any building is required to be intimated to the Controller and is not so intimated, and the Controller believes or has reason to believe that any person has in contravention of sub-section (2) of section 4 occupied the building or any part thereof, he may by notice in writing, call upon the person in occupation to show cause....."

ಸೆಕ್ಷನ್ 4 ಒರಿಜಿನರ್ ಆಕ್ಟ್‌ನಲ್ಲಿ ಕಾಂಟ್ರವೆನ್‌ಷನ್‌ಗೆ ಮಾತ್ರ ನೋಟೀಸ್ ಕೊಡುವುದು. ಸಬ್ ಸೆಕ್ಷನ್ 2 ರಲ್ಲಿ ಯಾವುದು ಕಾಂಟ್ರವೆನ್‌ಷನ್ ಕೊಟ್ಟದ್ದು ಅಂದರೆ 4 ಬರುತ್ತದೆ, 5 ಬರುತ್ತದೆ,

6 ಬರುತ್ತದೆ. ಇನ್ ಕಾಂಟ್ರವೆನ್‌ಷನ್ ಆಫ್ ದಿ ರೂಲ್ ಮಾಡಿದರೆ ಅವರಿಗೆ ಪನಿಷ್‌ಮೆಂಟ್ ಕೊಡಬೇಕೆಂಬ ಈ ಸೆಕ್ಷನ್ ಏನಿದೆ ಇದು ಸರಿಯಾದ್ದಲ್ಲ. ಇವಿಕ್ಷನ್ ಮಾಡಬೇಕಾದರೆ ಸರ್ಕಾರ ಸಾಕಾದಷ್ಟು ಅಧಿಕಾರಗಳನ್ನು ಕಂಟ್ರೋಲರ್‌ಗೂ ಮತ್ತು ಡೆಪ್ಯೂಟಿ ಕಮಿಷನರಿಗೂ ಈ ಆಕ್ಟ್‌ನ ಮೂಲ ಸೆಕ್ಷನ್ 10 ರಲ್ಲಿ ಕೊಟ್ಟಿದ್ದಾರೆ. ಡಿಸ್‌ಪೊಸೆಸ್ ಮಾಡಬಹುದು, ಬ್ರೇಕ್ ಓಪನ್ ಮಾಡ ಬಹುದು, ಪೊಸೆಷನ್ ತೆಗೆದುಕೊಳ್ಳಬಹುದು. ಈ ತಿದ್ದುಪಡಿ ಆಕ್ಟನ ಮೂಲ ಉದ್ದೇಶ ಇಷ್ಟೇ ಅಲ್ಲ, ಮುಂದೆ ಅವನನ್ನು ಪ್ರೋಸಿಬರ್ ಇವಿಕ್ಟ್ ಮಾಡುವಷ್ಟು ಮತ್ತು ಕಾಂಟ್ರವೆನ್‌ಷನ್ ಮಾಡಿದ ಅಂತ ಹೇಳಿ ಪ್ರಾಸಿಕ್ಯೂಟ್ ಮಾಡಬೇಕೆಂಬ ಉದ್ದೇಶ ಇಟ್ಟುಕೊಂಡು ಕ್ಲಾಸ್ 8 ರಲ್ಲಿ ಹೊಸ ಒಂದು ಸೆಕ್ಷನ್ 51 (ಎ) ಸೇರ್ಪಡೆ ಮಾಡತಕ್ಕ ನಲಹೆಯನ್ನು ತಂದಿದ್ದಾರೆ. 51 (ಎ) :

> "The Controller or any other officer authorised by the State Government in this behalf, may prosecute any person for contravention of any of the provisions of this Act or any rule made thereunder."

ಎಂದು ಇದೆ. ಸಬ್‌ಸೆಕ್ಷನ್ 2, 10 (ಎ) ಈ ಹೊಸ ಬಿಲ್‌ನಲ್ಲಿ ಇರುವುದು ಇಲ್ಲಿ ಉಪಯೋಗಿಸಿದಂತಹ ಶಬ್ದಗಳು

> ".....without prejudice to any other action which may be taken against him under this Act or under any other other law for the time being in force....."

ಎಂದು ಉಪಯೋಗಿಸಿದ ಉದ್ದೇಶ ಸೆಕ್ಷನ್ 51 (ಎ) ಸೇರ್ಪಡೆ ಮಾಡುವುದೇ ಆಗಿದೆ. ಕಾನ್‌ಸ್ಟಿ ಟ್ಯೂಷನ್ ಆರ್ಟಿಕಲ್ 20 ರ ಪ್ರಕಾರ ಯಾವ ಒಬ್ಬ ಮನುಷ್ಯನಿಗೂ ಡಬ್ಬಲ್ ಪನಿಷ್‌ಮೆಂಟ್ ಆಗಬಾರದು. ನೋಟೀಸ್ ಕೊಟ್ಟು ಇವಿಕ್ಷನ್ ಮಾಡಿ, ಕತ್ತು ಹಾಕುತ್ತೀರಿ. ಆ ಪ್ರಾವಿಜನ್ ಇದೆ. ಆದ್ದರಿಂದ ಈಗ ತಂದಂಥ 10 (ಎ) ಅನಾವಶ್ಯಕ. ಸೆಕ್ಷನ್ 5 ಮತ್ತು 6 ಕಾಂಟ್ರವೆನ್‌ಷನ್ ಅಂತ ಎಲ್ಲೆಲ್ಲಿ ಕಾಣಿಸಿದ್ದೀರೋ ಅವರಂತೆಯೇ ಸೆಕ್ಷನ್ 4 ಅಂತ ಕೂಡ ಹಾಕಿಕೊಂಡಿದ್ದೀರಿ, ಕ್ಲಾಸನ್ಸ್ (5) (8) ಇನ್‌ಫ್ರಕ್ಷ್ಯುಯಸ್ ಆಗುತ್ತದೆ. ಆದ್ದರಿಂದ ಮಾನ್ಯ ಮಂತ್ರಿಗಳನ್ನು ಕೇಳಿಕೊಳ್ಳುವುದೇ ನೆಂದರೆ ಈಗ ತಂದಿರುವ ಪ್ರೀನರ್ ಕ್ಲಾಸ್ ಅನಾವಶ್ಯಕ ಮತ್ತು ಇರತಕ್ಕ ಶಬ್ದಗಳನ್ನು ಬದಲಾವಣೆ ಮಾಡಿ ಖಾಲಿ ಮಾಡಿಸಬೇಕೆಂಬ ಉದ್ದೇಶಕ್ಕೆ ಶಿಕ್ಷೆ ಮಾಡಬೇಕೇ ಹೊರತಾಗಿ ಪ್ರೀನಟೈಸ್ ಮಾಡ ಬೇಕು ಪ್ರಾಸಿಕ್ಯೂಟ್ ಮಾಡಬೇಕು ಎನ್ನುವುದು ಸರಿಯಾದ್ದಲ್ಲ. ಒಂದು ವೇಳೆ ಮಾನ್ಯ ಸಭೆ ಆ ರೀತಿ ಮಾಡಬೇಕೆಂದು ಉದ್ದೇಶ ಇಟ್ಟುಕೊಂಡಿದ್ದರೆ ನನ್ನ ಅಭಿಪ್ರಾಯ ಏನೆಂದರೆ ಕಂಟ್ರೋಲರು ಅಥವಾ ಪ್ರಾಸಿಕ್ಯೂಟ್ ಮಾಡಬೇಕೆಂದು ಹೇಳತಕ್ಕ ಅಧಿಕಾರಿ ನಾಳೆ ಆದನ್ನು ದುರುಪಯೋಗ ಮಾಡತಕ್ಕ ಪರಿಸ್ಥಿತಿ ಬರಬಹುದು. ಅದಕ್ಕೆ ಈಗ ಅಪೀಲ್ ರೈಟ್ ಇದೆ ಇಲ್ಲ ಎಂದು ಹೇಳುವುದಿಲ್ಲ. ಸೆಕ್ಷನ್ 12 ಇದೆ. ಅಲ್ಲಿ ಏನಿದೆ ಎಂದರೆ :

> "Any person aggrieved by an order passed by the Controller under the provisions of this Part may within 30 days from the date of communication of the order appeal... ..
>
> (i) to the Deputy Commissioner,.....
>
> (i) to the Divisional Commissioner....."

ಆದರೆ ಈ ಪ್ರೀನರ್ ಕ್ಲಾಸ್ ಹಾಕತಕ್ಕ ಪರಿಸ್ಥಿತಿ ಇಲ್ಲಿ ಬರುತ್ತದೆ. ಇವಿಕ್ಷನ್ ಮಾಡಿದಂತಹ ಆರ್ಡರ್‌ನ ಪ್ರಕಾರ ಅದು ವಾಸ್ತವಿಕವಾಗಿ ಮಾಡಲಾಗಿದೆಯೇ ಇಲ್ಲವೇ ಎಂಬ ವಿಷಯವನ್ನು ಎಕ್ಸಿಕ್ಯೂಟೀವ್ ಅಥಾರಿಟಿ ಚೆನ್ನಾಗಿ ಇಂಟರ್‌ಪ್ರಿಟ್ ಮಾಡಲಿಕ್ಕಿಲ್ಲ. ಆದ್ದರಿಂದ ನನ್ನ ಅಭಿಪ್ರಾಯದಲ್ಲಿ ವಾಸ್ತವಿಕವಾಗಿ ಈ ಸೆಕ್ಷನ್ ಇರಬೇಕೆಂಬ ಉದ್ದೇಶ ಸರ್ಕಾರಕ್ಕೆ ಇದ್ದರೆ ನನ್ನ ಭಾವನೆಯಲ್ಲಿ ಇಂತಹ ಬಹಳಷ್ಟು ಕಡಿಮೆ ಪ್ರಸಂಗಗಳು ಬರುತ್ತವೆ. ಆದ್ದರಿಂದ ಈ ಒಂದು ಪ್ರಾವಿಜನ್ ಅನಾವಶ್ಯಕ. ನಾವಾಗಿಯೇ ಸೆಕ್ಷನ್‌ಗಳನ್ನು ಮಾಡಿದಂತಾಗುತ್ತದೆ. ಇದಕ್ಕೆ ವಿರೋಧವನ್ನು ವ್ಯಕ್ತಪಡಿಸಿದರು ಎಂಬ ಭಾವನೆಯನ್ನು ಉಂಟುಮಾಡುವುದಕ್ಕೆ ಬದಲಾಗಿ ಈ ಹೊಸ ಪ್ರೊವಿಜನ್‌ನನ್ನು ತೆಗೆದು ಹಾಕಿ ಒರಿಜಿನಲ್ ಸೆಕ್ಷನ್ 10 ರಲ್ಲಿ 10 (4) ಅಂತ ತಿದ್ದುಪಡಿ ಮಾಡಿ ಕೊಂಡರೆ ಸರಿಯಾಗುತ್ತದೆ. ಇವೇ ಚಾಪ್ಟರ್‌ನಲ್ಲಿ ಇನ್ನೊಂದು ಸ್ಪೆಷಲ್ ರೈಟ್ ಕನ್‌ಫರ್ಮ್ ಮಾಡಿ

(ಶ್ರೀ ಎಂ. ನಾಗಪ್ಪ)

ಅಪೀಲಿಗಾಗಿ ಒಬ್ಬ ಜುಡೀಷಿಯರ್ ಅಫೀಸರನ್ನು ಹಾಕಬೇಕೆಂದು ನನ್ನ ಅಭಿಪ್ರಾಯ. ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಜಡ್ಜಿನ್ನು ಇವೆ. ಬೇಕಾದರೆ ಸಿವಿರ್ ಜಡ್ಜ್ ಮಾಡಬಹುದು, ರೋಕರ್ ಜ್ಯುರಿಸ್‌ಡಿಕ್ಷನ್ ಇರತಕ್ಕ ಮುನಿಸಿಪರ್ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟ್ ಮಾಡಬಹುದು. ಕ್ರಿಮಿನರ್ ಅಫೆನ್ಸ್‌ನ್ ತೆಗೆದುಕೊಳ್ಳತಕ್ಕ ಪರಿಸ್ಥಿತಿ ಬಂದಾಗ ಎಕ್ಸಿಕ್ಯೂಟೀವ್ ಆರ್ಡರ್ ಕಂಡೊಲರು ಪಾಸ್ ಮಾಡಿರುವುದು ಸರಿಯೇ ಇಲ್ಲವೇ ಎಂಬ ವಿವೇಚನೆ ಮಾಡಬೇಕಾದ ಪ್ರಸಂಗ ಬಂದಲ್ಲಿ ಜ್ಯೂಡಿಷಿಯರ್ ಅಫೀಸರು ಬೇಕಾಗುತ್ತದೆ. ಇಷ್ಟು ಅಭಿಪ್ರಾಯವನ್ನು ವ್ಯಕ್ತಪಡಿಸಿ ಸೆಕ್ಷನ್ 51 ಮತ್ತು ಸಬ್ ಸೆಕ್ಷನ್ (2) 10 (ಎ) ನ್ನು ತೆಗೆದು ಹಾಕುವುದು ಉಪಯುಕ್ತವಾದದ್ದು ಎಂದು ಹೇಳುತ್ತೇನೆ. ಮತ್ತು ಅಪೀಲ್ ಪ್ರಾವಿಜನ್ ಜ್ಯೂಡಿಷಿಯಲ್ ಅಫೀಸರು ಇರಬೇಕೆಂದು ಹೇಳಿ ಅಧ್ಯಕ್ಷರು ಇಷ್ಟು ಸಮಯ ಕೊಟ್ಟಿದ್ದಕ್ಕಾಗಿ ಅವರಿಗೆ ವಂದಿಸುತ್ತೇನೆ.

† ಶ್ರೀ ಟಿ. ಆರ್. ಶಾಮಣ್ಣ (ಬೆಂಗಳೂರು ಕೋಟೆ).—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಈಗ ರೆಂಟ್ ಕಂಟ್ರೋಲರ್ ಆಕ್ಟಿನ ಪರ್‌ವ್ಯೂನಲ್ಲಿ ಕೆಲವು ಇನ್‌ಸ್ಟಿಟ್ಯೂಷನ್‌ಗಳಿಗೆ ವಿನಾಯಿತಿಯನ್ನೂ ಮತ್ತು ರೆಂಟ್ ಕಂಟ್ರೋಲರಿಗೆ ಪ್ರಾಸಿಕ್ಯೂಟ್ ಮಾಡತಕ್ಕ ಬಗ್ಗೆ ಕೆಲವು ಅಧಿಕಾರಗಳನ್ನು ಕೊಡುವುದಕ್ಕಾಗಿ ಈ ತಿದ್ದುಪಡಿಯ ಬಿಲ್ಲನ್ನು ತಂದಹಾಗೆ ಕಾಣುತ್ತಿದೆ; ಆ ವಿಚಾರಗಳನ್ನೂ ಇಲ್ಲಿ ಸ್ಪಷ್ಟಪಡಿಸಿದ್ದಾರೆ.

ಮೂಲ ಶಾಸನದ ಕ್ಲಾಜ್ (2) ರಲ್ಲಿ ಹೇಗೆ ಹೇಳಿದ್ದಾರೆ :

"(7) Nothing in this Act shall apply—

(a) to any building belonging to the State Government or the Central Government ; or

(b) to any building belonging to a Municipal Corporation, Municipal Council or other municipal body having jurisdiction in any area specified in Schedule I ;"

ಅನಂತರ ಅದೇ ಆಕ್ಟಿನಲ್ಲಿ ಹೀಗೆ ಹೇಳಿದ್ದಾರೆ :

"Notwithstanding anything contained in the Mysore Rent Control Act, 1961, the provisions of the said Act shall not apply to any land belonging to or vesting in the Corporation."

ಹೀಗೆ ಇಲ್ಲಿ ಮುನಿಸಿಪರ್ ಪ್ರದೇಶದಲ್ಲಿರತಕ್ಕ ಲ್ಯಾಂಡನ್ನು ಏಕೆ ಕೈಬಿಟ್ಟಿದ್ದಾರೆ? ಅದನ್ನು ಇಲ್ಲಿ ವಿಶದಪಡಿಸಿಲ್ಲ. ಅನಂತರ ಇಲ್ಲಿ ಕ್ಲಾಜ್ (9) ರಲ್ಲಿ ಈ ರೀತಿ ಇದೆ :

"Section 434 E of the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act 69 of 1949) shall be omitted."

ಇದನ್ನು ಇಲ್ಲಿ ಡಿಲೀಟ್ ಮಾಡಲಾಗಿದೆ ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಅಂದರೆ ಇದನ್ನು ಉದ್ದೇಶವಾಗಿ ಕೈಬಿಟ್ಟಿದ್ದಾರೋ ಅಥವಾ ಯಾವ ಉದ್ದೇಶದಿಂದ ಕೈಬಿಟ್ಟಿದ್ದಾರೆಂಬುದನ್ನು ತಿಳಿಸಿಲ್ಲ. ಈಗ ಕಾರ್ಪೊರೇಷನ್ ಸುಪರ್ದಿನಲ್ಲಿ 2 ಸಾವಿರ ಮನೆಗಳಿವೆ. ಹಾಗಿದ್ದರೂ ಈ ಒಂದು ಸ್ಪೆಸಿಫಿಕ್ ಕ್ಲಾಜನ್ನು ಏತಕ್ಕೆ ತೆಗೆದರು? ಇದಕ್ಕೆ ವಿವರಣೆ ಕೊಡಬೇಕು.

ಇನ್ನು ಬಿಲ್ಲಿನ ಪುಟ 2 ರಲ್ಲಿ ಕ್ಲಾಜ್ 2 ರಲ್ಲಿ ಹೀಗೆ ಹೇಳಿದೆ :

"(2) (ii) a municipal council or other municipal body including a City Improvement Trust Board,....."

ಇದರಲ್ಲಿ ಹೌಸಿಂಗ್ ಬೋರ್ಡ್ ಮನೆಗಳೂ ಕೂಡ ಇವೆ. ಅವುಗಳನ್ನು ಏಕೆ ಕೈಬಿಟ್ಟಿದ್ದಾರೆ! ವಿವರಣೆಯನ್ನು ಕೊಡಬೇಕು. ಇನ್ನು ಕ್ಲಾಜ್ (ಬಿ ಸಿ) ನಲ್ಲಿ ಹೀಗೆ ಹೇಳಿದ್ದಾರೆ :— ಇಲ್ಲಿ ಗೋಡೌನಿಗೆ ಒಂದು ಪ್ರಾವಿಜನ್ ಮಾಡಿದ್ದಾರೆ. ಅಂದರೆ ಇಂದು ಅಲ್ಲಿ ಸೇರ್ ಮತ್ತು ಆಕ್ಷನ್ ಸೇರ್ ಮಾಡತಕ್ಕ ಹಾಗಕ್ಕೂ ಅನ್ವಯಿಸುತ್ತದೆಯೇ ಇಲ್ಲವೇ ಎಂಬುದನ್ನು ತಿಳಿಸಿಲ್ಲ.

ಆದರೆ ಈ ಮಸೂದೆಯಲ್ಲಿ ಸಾಮಾನ್ಯವಾಗಿ ಟೆನೆಂಟಿನ ಇಂಟ್ರೆಸ್ಟನ್ನು ಸೇಫ್‌ಗಾರ್ಡ್ ಮಾಡತಕ್ಕ ಉದ್ದೇಶ ಜಾಸ್ತಿ ಇದೆ. ಆದರೆ ಹಾಗೇ ಲ್ಯಾಂಡ್ ಲಾರ್ಡಿನ ಇಂಟ್ರೆಸ್ಟನ್ನೂ ಕೂಡ

ಸೇಫ್‌ಗಾರ್ಡ್ ಮಾಡಬೇಕಾದ್ದು ನ್ಯಾಯ. ಅನೇಕರು ಈ ದಿವನ ಬೆಂಗಳೂರಿನಲ್ಲಿ ಮನೆ ಸಿಕ್ಕದೆ ಒದ್ದಾಡುತ್ತಿದ್ದಾರೆ. ಅವರು ಒಂದು ಅಂಡರ್‌ಹ್ಯಾಂಡ್ ಡೀಲಿಂಗ್ಸ್‌ಗಳನ್ನು ರೆಂಟ್‌ಕಂಟ್ರೋಲರ ಕೋರ್ಟಿನಲ್ಲಿ ನಡೆಸದಿದ್ದರೆ ಅವರಿಗೆ ಮನೆಗಳು ಸಿಕ್ಕುವುದಿಲ್ಲ. ಹೀಗೆ ಆ ರೆಂಟ್‌ಕಂಟ್ರೋಲರ ಕೋರ್ಟಿನಲ್ಲಿ ಅಗಬಾರದ್ದೆಲ್ಲಾ ಆಗುತ್ತಿದೆ — ಆಗಬೇಕಾದ್ದು ಆಗುತ್ತಿಲ್ಲ. ಅನೇಕ ವೇಳೆ ನಾವು ಕೊಟ್ಟ ಅಪ್ಲಿಕೇಷನ್‌ಗಳೇ ಅಲ್ಲರುವುದಿಲ್ಲ. ಇನ್ನು ಕೆಲವು ಸಾರ್ತಿ ಮನೆಗಳನ್ನು ಅರಾಟ್ ಮಾಡಿದ ನಂತರ ನೋಟೀಸಿನಲ್ಲಿ ಅವುಗಳನ್ನು ನೋಟಿಫೈ ಮಾಡುತ್ತಾರೆ. ಕೆಲವರಿಗೆ ಅವರು ಅಪ್ಲೈಮಾಡುವ ಮುನ್ನವೇ ಮನೆಗಳನ್ನು ಅವರಿಗೆ ಅರಾಟ್ ಮಾಡಿರುತ್ತಾರೆ. ಹೀಗೆರ್ಲಾ ಅಲ್ಲಿ ನಡೆಯುತ್ತದೆ. ಹೀಗಾಗಿ ಅಗತ್ಯವಿರತಕ್ಕವರಿಗೆ ಮಾತ್ರ ಮನೆಗಳು ಸಿಕ್ಕುತ್ತಿಲ್ಲ. ಆದ್ದರಿಂದ ಯಾರಿಗೆ ಈ ಬಾಡಿಗೆ ಮನೆಗಳ ಅಗತ್ಯ ಹೆಚ್ಚಿಗೆ ಇರುತ್ತದೆಯೋ ಅವರಿಗೆ ಹೆಚ್ಚಿನ ಅನುಕೂಲವಾಗುವ ಹಾಗೆ ಇದನ್ನು ತಿದ್ದುಪಡಿ ಮಾಡಿ ತಂದಿದ್ದರೆ ಚೆನ್ನಾಗಿತ್ತು. ಆದರೆ ಇಲ್ಲಿ ಶಿಕ್ಷೆ ವಿಚಾರದಲ್ಲಿ ಒಂದು ಮಾತನ್ನು ಹೇಳಬೇಕಾಗಿದೆ — ಯಾರು ತಪ್ಪುಮಾಡಿರುತ್ತಾರೋ ಅಂಥವರು ತಪ್ಪಿಸಿಕೊಂಡು ಯಾರು ತಪ್ಪು ಮಾಡಿರುವುದಿಲ್ಲವೋ ಅಂಥವರು ಬೇಗ ಇದರಲ್ಲಿ ಸಿಕ್ಕಿಕೊಳ್ಳುತ್ತಾರೆ, ಇಂಥ ಪ್ರಸಂಗಗಳನ್ನು ನಾವೆಲ್ಲರೂ ನೋಡಿದ್ದೇವೆ. ಒಂದು ವರ್ಷವಾದರೂ ಕೂಡ ಬಾಡಿಗೆಯನ್ನೂ ಕೊಡದೆ ಮನೆಯನ್ನೂ ಬಿಡದೆ ತೊಂದರೆ ಕೊಡತಕ್ಕಂಥ ಟೆನೆಂಟುಗಳೂ ಇದ್ದಾರೆ. ಹಾಗೆ ಕಿರುಕುಳ ಕೊಡತಕ್ಕವರಿಗೆ ಶಿಕ್ಷೆಯಾಗಲೇಬೇಕು. ಅದರ ಬಗ್ಗೆ ಒಂದು ಪ್ರಾವಿಜನ್ ಇದರಲ್ಲಿ ಸೇರಿಸಬೇಕಾಗಿತ್ತು. ಅದನ್ನು ಈಗ ಸೇರಿಸುವುದಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲವಿದ್ದರೆ ಮುಂದೆ ಒಂದು ತಿದ್ದುಪಡಿಯನ್ನು ತರಬೇಕೆಂದು ಹೇಳಿ ನಾನು ಇಲ್ಲಿಯವರೆಗೂ ಕೇಳಿರತಕ್ಕ ವಿಷಯಗಳ ಬಗ್ಗೆ ನೂಕ್ತ ವಿವರಣೆ ಕೊಡಬೇಕೆಂದು ಅರಿಕೆ ಮಾಡಿಕೊಂಡು ಇನ್ನು ಕೆಲವು ಸಂಸ್ಥೆಗಳಿಗೇನು ಒಂದು ವಿನಾಯಿತಿಯನ್ನು ಕೊಡರಾಗುತ್ತದೆಂದು ಹೇಳಿದ್ದಾರೋ ಅಂಥ ವಿನಾಯಿತಿಗಳನ್ನು ಇನ್ನು ಉಳಿದ ವಿದ್ಯಾಸಂಸ್ಥೆಗಳಿಗೂ ಕೊಡಬೇಕೆಂದು ಒತ್ತಾಯ ಮಾಡಿ ನನ್ನ ಮಾತುಗಳನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

† **Sri D. B. KALMANKAR.**—Sir, it is stated in the Statement of Objects and Reasons that "it is further considered necessary that the Controller must have power to evict as well as to prosecute for contravention of any of the provisions of the Act or any rule made thereunder." I submit that the Controller may have power to evict a tenant if he contravenes the provisions of the Act. But to again prosecute him and convict him, would amount to double punishment. Today the circumstances are such that a tenant may not be in a position to vacate a house. So, to evict him itself is a punishment and further prosecution would mean double punishment.

In the proposed amendment of section 2 certain institutions are sought to be exempted from the provisions of this Act. But I fail to understand why some more institutions which are of public importance such as Public Libraries, educational institutions, University, etc., should not be exempted. I think they should also be exempted from the provisions of this Act. In the proposed sub-section (1) of section 10A the Controller is given unrestricted powers because there is no time limit fixed. In order that the Controller may use his powers reasonably and not arbitrarily to the detriment of the person who is in occupation, my submission is that it would be better if a time limit is fixed in the Act itself. Because the circumstances will be such that an unduly harsh treatment may be meted out to the occupant of the house by the Controller and so it would be better to have a uniform time limit prescribed without leaving it to the vagaries of the Controller in every case. Now I submit that there is unrestricted power given to the Controller and so a reasonable time limit of say 1 or 2 months may be placed and that would be proper and would be in the interest of the occupant.

(SRI D. B. KALMANKAR)

4-00 P.M.

I also welcome the other provisions. Substtiuting the word "premises" for the word "building" is very good as that is a very comprehensive expression. The exemption given to religious and charitable institutions is also good, but I would request that institutions like public libraries and educational institutions may also be included in this category.

With these words I thank the Chair.

† Sri H. V. KOUJALGI.—Sir, I am grateful to the hon'ble members for offering their valuable suggestions. Substituting the word "premises" for the world "building" is welcome by all. That was necessary in order to save the operation of this Act on the various buildings belonging to Municipalities and Government. Similarly, the inclusion of municipal properties and local board properties and properties of co-operative societies also has been welcomed. As hon'ble members know, I have also moved an amendment to include properties belonging to wakfs because that is also a religious institution. This had been omitted, but that has now been included.

The hon'ble Member Sri Srikantaiah suggested that premises of educational institutions especially those belonging to universities should also be included. I may bring to the notice of the hon'ble member that it is only in rare cases that properties of universities or educational institutions are let out to others. So far as I have understood, they are always in need of more and more premises. If at all there is any case of such institutions letting out premises, it is very rare. On the other hand, it is the educational institutions who take premises on hire from other individuals and in such a case these educational institutions will be deprived of the benefit of the Act if they are included. So it is safe to omit them rather than to include them. This is in their interest. That is how I interpret it.

ಶ್ರೀ ಎಚ್. ಶ್ರೀಕಂಠಯ್ಯ.—ವಿದ್ಯಾಸಂಸ್ಥೆಗಳಲ್ಲಿ ಹೆಚ್ಚಿಗೆ ಸ್ಥಳ ಇರುತ್ತದೆ. ಉದಾಹರಣೆಗೆ ಬನುಮಯ್ಯ ಕಾಲೇಜು ವಿದ್ಯಾಸಂಸ್ಥೆಯನ್ನು ತೆಗೆದುಕೊಳ್ಳೋಣ. ಅನೇಕ ಭಾಗವನ್ನು ಟಿ. ವಿ. ಎಸ್. ಗೆ ಕೊಟ್ಟಿದ್ದಾರೆ. ಹೋಟಲುಗಳಿಗೆ ಕೊಟ್ಟಿದ್ದಾರೆ. ಗೋಡೌನ್‌ಗೆ ಕೊಟ್ಟಿದ್ದಾರೆ. ಹೆಚ್ಚು ಸ್ಥಳ ಇರುವಾಗ ಏತಕ್ಕೆ ಅನಾವಶ್ಯಕವಾಗಿ ಅದು ಬಿದ್ದಿರಬೇಕು, ವರಮಾನ ಹೆಚ್ಚಿಗೆ ಬರಲಿ ಎಂದು ಆರೀತಿ ಮಾಡಿದ್ದಾರೆ. ನಾಳೆ ಹೆಚ್ಚು ಬಾಡಿಗೆ ಕೊಡುತ್ತೇನೆಂದು ಯಾರಾದರೂ ಬಂದರೆ ವಿದ್ಯಾಸಂಸ್ಥೆಗೆ ಬರತಕ್ಕ ವರಮಾನ ಹೋಗುವುದಿಲ್ಲವೆಂಬ ದೃಷ್ಟಿಯಿಂದ ನಾನು ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿರುವುದು.

Sri H. V. KOUJALGI.—Such instances may be very few. On the other hand many of the educational institutions get premises on hire. In that case their interests will not be safe by inclusion and that is why they are excluded.

Then, Sir, much was said about the amend ment to section 4. This is only to prevent misuse of the properties once given under the orders of the officer. Suppose a property is given for the use of the landlord

himself and he does not use it. Sometimes it is ordered to be given to a particular tenant and he also does not occupy it. In the meanwhile they allow the property to lie vacant and after some time the landlord may let it out to somebody else and this may not be brought to the notice of the Controller at all. In order to avoid such misuse of the concession given, this new section has been incorporated.

As regards section 10 (A) regarding the penal clause, the Controlling Officer must have power to evict a person who disobeys an order. Our experience has shown that he should exercise the power and that is why this power has been given. The hon'ble member Sri Nagappa asked why this should not be included in section 10 itself instead of having a separate section. If these two sections are read together, it will be found that they are different. Section 10-A is for disobedience of the orders passed by the Controlling Officer while section 10 is concerned with not observing the provisions of section 4 (A). The two are distinct and they cannot be amalgamated and made into one section.

Then almost all the members have said that the power of prosecution to the Controller is too much and that there should not be double punishment, one eviction and another prosecution. But our experience has shown that this is also necessary. Of course, this will be used very judiciously. After due consideration if prosecution is found necessary somebody will have to exercise the power of prosecution and he being the proper person he has been vested with this power.

I would also like to state that this prosecution section is not a new section. It will be seen that offences under sections 5, 18, 23, 24, and 25 have been made penal offences. The doubt is who should prosecute. In the original Act it is rather vague and it is not clear. So the person who should prosecute has been made clear.

Sri M. S. KRISHNAN.—The question is whether such a power should be given to the Controller.

Sri H. V. KOUJALGI.—You say that this power should be given to Government. In that case the purpose of prosecution would fail. If every small thing has to go to Government then there would be lot of delay and it would be very difficult to prosecute. Of course, prosecution will be resorted to only in extreme cases accrding to the discretion of the officer. Even when the Government want to prosecute, they will have to depend upon the report of the Controller.

ಶ್ರೀ ಎಂ. ಎಸ್. ಕೃಷ್ಣನ್.—ಎವಿಕ್ಷನ್ ಮಾಡುವುದಕ್ಕೆ ಅವನಿಗೆ ಅಧಿಕಾರವಿದೆ. ಯಾರು ಎವಿಕ್ಟ್ ಮಾಡಿಸಿಕೊಳ್ಳುತ್ತಿದ್ದಾರೆಯೋ ಅದು ಒಂದು ರೀತಿ ಸ್ವಿಗ್‌ಮಾ ಇದ್ದಹಾಗೆ ಇದೆ. ಅದರ ಜೊತೆಗೆ ಪ್ರಾಸಿಕ್ಯೂಷನ್ ಅಧಿಕಾರ ಅವನಿಗೆ ಕೊಟ್ಟರೆ ಅವರು ಅಧಿಕಾರವನ್ನು ದುರುಪಯೋಗ ಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲವೇ! ರಾಜ್ಯ ಸರ್ಕಾರ ಅದನ್ನು ಮಾಡಿವಿದ್ದರೆ, ಇನ್ನು ಯಾವುದಾದರೂ ಬೇರೆ ಏಜೆನ್ಸಿ ಮಾಡಿಲಿ. ಅವರಿಗೆ ಅದನ್ನೂ ಸಹ ಕೊಡುವುದು ಸರಿಯೇ?

Sri H. V. KOUJALGI.—Hon'ble Members could see that prosecution has been prescribed under these sections *viz.*, sections 23, 24, 25, etc. But the only question here is who should exercise the power to prosecute for contravention of any provisions of this Act...

Sri M. NAGAPPA.—Sir, section 23 of the original Act, clearly indicates that no other person than the Magistrate, can convict a tenant for contravention of any provisions of the Rent Control Act. I do not understand any reason for the provision proposed to be made under section 51A which states:

> "51. A. Power to prosecute.—The Controller or any other officer authorised by the State Government in this behalf, may prosecute any person for contravention of any provisions of this Act or any rule made thereunder."

According to the proposed insertion of new section I think the Government is only creating the prosecution authority.

Sri H. V. KOUJALGI.—Yes, Sir, the only object of the proposed amendment is to create an authority for prosecution to go to court of law when an offence is created. The authority is the Controller or any other officer authorised by the State Government in this behalf.

So far as the amendment of section 2 is concerned, for the word "building" the word "premises" is proposed to be substituted. It is only a consequential amendment and not substantial amendment. All the amendments now suggested are only formal and I hope the hon'ble Members will accept it.

Mr. DEPUTY SPEAKER.—Now, I shall put the motion to the vote of the House. The question is:

> "That the Mysore Rent Control (Amendment) Bill, 1969 as passed by the Legislative Council be taken into consideration."

The motion was adopted.

CLAUSE 2

Mr. DEPUTY SPEAKER.—Now, there are amendments to clause 2. The Hon. Minister for Revenue may move the amendment standing in his name.

Sri H. V. KOUJALGI.—Sir, I beg to move...

Sri M. NAGAPPA.—Sir, may I know under what provisions of the rules the amendment is being moved by the Hon. Minister to a Bill which he himself has brought up before this House?

Sri H. V. KOUJALGI.—It is not a question of procedure. Sir, the mover can suggest his own amendments.

Mr. DEPUTY SPEAKER.—The Hon'ble Minister is entitled to move an amendment to his own Bill.

Sri M. NAGAPPA.—Sir, there are provisions for moving amendments by Hon. Members. But whereas there is no provision for the Hon. Minister to move an amendment to his own Bill.

Sri D. B. KALMANKAR.—Sir, under rule 128 it is only the Hon. Members can move amendments...

Mr. DEPUTY SPEAKER.—I have permitted him to move his amendment. The member will kindly refer to the proviso to rule 79.

Sri H. V. KOUJALGI.—Sir, I move :

" That in sub-clause (2), of clause 2 in the new clause (bb),—

(1) in item (iii), for the word 'trust', the word 'institution' shall be substituted ;

(2) after item (iii) as so amended, the following item shall be added, namely :

' (iv) a wakf under the management of the Mysore State Board of Wakfs'."

Mr. DEPUTY SPEAKER.—Amendment moved :

" That in sub-clause (2) of clause 2, in the new clause (bb),—

(1) in item (iii), for the word 'trust', the word ' institution' shall be substituted ;

(2) after item (iii) as so amended, the following item shall be added, namely :

' (iv) a wakf under the management of the Mysore State Board of Wakfs'."

Sri H. V. KOUJALGI.—Sir, during the course of discussion on the proposed amendment Bill, I have referred to these amendments also. I request that this may be accepted by this House.

Mr. DEPUTY SPEAKER.—There are other amendments also to clause 2 given notice of by Sri L. Srikantiah and Sri T. R. Shamanna. Sri Srikantiah is not present. I call upon Hon. Member Sri T. R. Shamanna to move his amendment.

Sri T. R. SHAMANNA.—Sir, I move the following amendments to clause 2 :

" That in sub-clause (2) (bb) (ii) after the words 'Municipal Council' the words 'Municipal Corporation' and after the words 'Trust Board' the words 'Housing Board' shall be inserted ; and

In sub-clause (2) (bc) after the word 'godown' the words 'or for carrying on its business' shall be inserted."

Mr. DEPUTY SPEAKER.—Amendment moved :

"That in sub-clause (2) (bb) (ii) after the words 'Municipal Council' the words 'Municipal Corporation' and after the words 'Trust Board' the words 'Housing Board ' shall be inserted ; and

In sub-clause (2) (bc) after the word 'godown' the words 'or for carrying on its business'' shall be inserted."

Sri T. R. SHAMANNA.—Sir, with regard to the godowns used by the co-operative institutions, provision for exemption has been included in this Bill. But exemption has not been provided for places where the co-operative institutions actually carry on their business. In the old Municipal Corporation Act also it had been omitted. Then in regard to my other amendment, I would like to say, that just like the Trust Board the Housing Board also is a statutory body and therefore that also should be added. With these words, I request that the amendments moved by me may be accepted.

Sri M. S. KRISHNAN.—Sir, my only submission is that I am not agreeable to Sri Shamanna's amendment in regard to sub-clause (2) (bc) that is to include the words "or for carrying on its business" after the word "godown". The word "godown" itself is wide enough and if the words suggested by Sri Shamanna are to be inserted, I think there would be some sort of restriction laid in this behalf. I think the amendment proposed by the hon'ble Member Sri Shamanna is not at all necessary. Therefore I request him not to press for his amendment.

Mr. DEPUTY SPEAKER.—I will put to vote the amendment of the hon. Revenue Minister. The question is :

"That in sub-clause (2) of clause 2 in the new clause (bb)—

(1) in item (iii) for the word 'trust' the word 'institution,' shall be substituted.

(2) after item (iii) as so amended the following item shall be added, namely.—

'(iv) a wakf under the management, of the Mysore State Board of Wakfs'."

The amendment was adopted.

Sri T. R. SHAMANNA.—I know the fate of my amendment. I do not press for it. I beg leave of the House to withdraw it.

The amendment was by leave withdrawn.

Mr. DEPUTY SPEAKER.—I will put clause 2 to the vote of the House. The question is :

"That Clause 2, as amended, do stand part of the Bill."

The motion was adopted.

Clause 2 as amended was added to the Bill.

CLAUSES 3 AND 4

Mr. DEPUTY SPEAKER.—The question is :

"That clauses 3 and 4 do stand part of the Bill."

The motion was adopted.

Clauses 3 and 4 were added to the Bill.

CLAUSES 5 TO 7

Sri M. S. KRISHNAN.—I beg to move :

" That in sub-section 2 of the proposed Section 10A, the words ' fails to satisfy the Controller that he is entitled to remain in occupation of the buliding' shall be deleted."

Mr. DEPUTY SPEAKER.—Amendment moved :

" That in sub-section 2 of the proposed Section 10A the words ' fails to satisfy the Controller that he is entitled to remain in occupation of the buliding' shall be deleted ".

Sri M. S. KRISHNAN.—I beg to move :

" That the following proviso shall be added to the proposed sub-section 2 of Section 10A : "

' Provided the Controller may in his discretion in appropriate cases permit the occupant to continue notwithstanding the violation of Section 4 of the Act'."

Mr. DEPUTY SPEAKER.—Amendment moved :

" That the following proviso shall be added to the proposed sub-section 2 of Section 10A :

' Provided the Controller may in his discretion in appropriate cases permit the occupant to continue notwithstanding the violation of Section 4 of the Act'."

† **Sri M. S. KRISHNAN.**—I have already spoken in the beginning itself. Our learned Member Srikantiah has pointed out that it is not correct to oppose this provision I was trying to get myself convinced from the arguments of the learned Professor whether this is satisfactory or unsatisfactory. But I would say that I am not very much satisfied. I believe that inclusion of these words would have a sort of unfettered right for the Controller to act as he pleases. In clause 4 there is a provision for giving 15 days notice. At the end of this, the landlord can rent it out. That section is there. But in this clause, he will have full control and he can do whatever he likes. It reads as follows :

" 10A. (2). If the person to whom a notice was issued under Sub-section (1) fails to appear before the Controller, or having appeared, fails to satisfy the Controller that he is entitled to remain in occupation of the buliding, the Controller may, without prejudice to any other action which may be taken against him under this Act or under any other law for the time being in force, direct him by order in writing to vacate the building within such period as may be specified in the order and deliver possession thereof to the Controller."

This means that he can direct the person to vacate the building and deliver the possession, if he does not satisfy the Controller. This is the

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substance of this clause. How to satisfy the Controller is the most important thing. I am not opposed to the Controller in regard to the occupation of the building. But when the person is in possession of the building, it would be very difficult for him to satisfy the Controller. It would work to the detriment of the tenants, unless he has already declared it by 15 days notice. If 15 days notice is not given, how this clause affects the tenant? Sri Srikantiah has also been supporting the tenant. This amendment has been suggested in order to remove the hardship and at the same time enable the Controller to take action. A discretionery power has been given to the Controller to discharge his duties in appropriate cases and to take action under the Act. That is why this amendment has been brought forward in the interests of the tenants.

SRI H. V. KOUJALGI.—I am not accepting these amendments. I will put both the amendments together.

Mr. DEPUTY SPEAKER.—The question is :

'That in sub-section 2 of the proposed Section 10A, the the words 'fails to satisfy the Controller that he is entitled to remain in occupation of the building' shall be deleted."

"That the following proviso shall be added to the proposed sub-section 2 of Section 10A :

"Provided the Controller may in his discretion in appropriate cases permit the occupant to continue notwithstanding the violation of section 4 of the Act'."

The amendments were negatived.

Mr. SPEAKER.—The question is :

"That Clauses 5 to 7 both inclusive do stand part of the Bill."

The motion was adopted.

Clauses 5 to 7, both inclusive were added to the Bill.

CLAUSES 8 AND 9.

Sri M. S. KRISHNAN.—I beg to move :

"That in the proposed Section 51A, the words 'Controller or any other Officer authorised by ' shall be deleted."

Mr. DEPUTY SPEAKER.—Amendment moved :

"That in the proposed Section 51A, the words 'Controller or any other Officer authorised by ' shall be deleted."

Sri H. V. KOUJALGI.—I do not accept the amendment.

Sri M. S. KRISHNAN.—I press for the amendment.

Mr. DEPUTY SPEAKER.—The question is :

"That in the proposed Section 51A, the words 'Controller or any other Officer authorised by' shall be deleted."

The amendment was negatived.

Mr. DEPUTY SPEAKER.—The question is :

"That Clauses 8 and 9 do stand part of the Bill."

The motion was adopted.

Clauses 8 and 9 were added to the Bill.

CLAUSE 1, ETC

Mr. DEPUTY SPEAKER.—The question is:

"That Clause 1, the Long Title and the Enacting formula do stand part of the Bill."

The motion was adopted.

Clause 1, the Long Title and the Enacting formula were added to the Bill.

Motion to pass.

Sri H. V. KOUJALGI.—Sir, I move :

"That the Mysore Rent Control (Amendment) Bill, 1968, as passed by the Mysore Legislative Council, and as amended be passed."

Mr. DEPUTY SPEAKER.—The question is :

"That the Mysore Rent Control (Amendment) Bill, 1968, as passed by the Mysore Legislative Council and as amended be passed."

The motion was adopted.